

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX
DIGITAL GROUP, LLC; DAVID
SCHAEFER; JORDAN GREEN;
JEFFREY CONWAY; and JAMES
MAY,

Defendants.

No. 2:21-cv-00811

REVISED TRIAL EXHIBIT LISTS

Plaintiff Bungie, Inc. (“Bungie” or “Plaintiff”) and Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively, “Defendants”) jointly submit the following revised trial exhibit lists attached hereto.

1 Dated: November 29, 2023

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BUNGIE, INC.'S REVISED TRIAL EXHIBIT LIST - NOVEMBER 29, 2023

Exhibit No.	Description	Admissibility Stipulated	Authenticity Stipulated / Admissibility Disputed	Authenticity Disputed	Admitted	Objection Basis / Notes
1	Bungie Destiny 2: Audiovisual Copyright Registration & Deposit Materials re U.S. Copyright Registration Number: PA 2-282-670	X				
2	Bungie Destiny 2: Software Code Copyright Registration & Deposit Materials re U.S. Copyright Registration Number: TX 8-933-655	X				
3	Bungie Destiny 2: Beyond Light Audiovisual Copyright Registration & Deposit Materials re U.S. Copyright Registration Number: PA 2-280-030	X				
4	Bungie Destiny 2: Beyond Light Software Code Copyright Registration & Deposit Materials re U.S. Copyright Registration Number: TX 8-933-655	X				
5	Bungie Destiny 2: Beyond Light Copyright Registration & Deposit Materials - video file titled: Beyond_Light_Launch_B_Roll_16x9_1080p_30_H264.mp4	X				
6	2020-11-02 Video advertising cheat software			X		Also, Relevance
7	2020-11-02 Screenshot TikTok page with video			X		Also, Relevance
8	Screenshots of cheat			X		Also, Relevance
9	D2 Base (v1.0.5.0) Object Code.zip			X		
10	D2 BeyondLight (v3.0.0.1) Object Code.zip			X		

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Exhibit No.	Description	Admissibility Stipulated	Authenticity Stipulated / Admissibility Disputed	Authenticity Disputed	Admitted	Objection Basis / Notes
11	Bungie LSLAs from January 2019 – August 24, 2021	X				
12	Phoenix Digital Group, LLC Agreement (January 2016)	X				
13	J. May PayPal Account Information Sheet		X			Relevance, Prejudice/Confusing
14	J. May PayPal Account Transaction Sheet		X			Relevance, Prejudice/Confusing
15	J. May PayPal Account Transaction Sheet		X			Relevance, Prejudice/Confusing
16	'7696 PayPal Account Information Sheet (AimJunkies.com account)		X			Relevance, Prejudice/Confusing
17	Excel Spreadsheet filename: Transactions for PayPal Account 1609691869551427696.xlsx (AimJunkies.com account)		X			Relevance, Prejudice/Confusing
18	3990 PayPal Account Information Sheet		X			Relevance, Prejudice/Confusing
19	3990 PayPal Account Transaction Sheet		X			Relevance, Prejudice/Confusing
20	'1346 PayPal Account Information Sheet (Virtual Advantage Account)		X			Relevance, Prejudice/Confusing
21	'1346 PayPal Account Transaction Sheet (Virtual Advantage Account)		X			Relevance, Prejudice/Confusing
22	'0031 PayPal Account Information Sheet (PDG Business account)		X			Relevance, Prejudice/Confusing
23	'0031 PayPal Account Transaction Sheet (PDG Business Account)		X			Relevance, Prejudice/Confusing
24	'0031 PayPal Account Transaction Sheet (PDG Business Account)		X			Relevance, Prejudice/Confusing

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25	0761 PayPal Account Information Sheet (Mombot Account)		X			Relevance, Prejudice/Confusing
26	0761 PayPal Account Transaction Sheet (Mombot Account)		X			Relevance, Prejudice/Confusing
27	'3104 PayPal Account Information Sheet (Velocity Cheats account)		X			Relevance, Prejudice/Confusing
28	'3104 PayPal Account Transaction Sheet (Velocity Cheats account)		X			Relevance, Prejudice/Confusing
29	Screenshot from AJ website re Destiny 2 - Cheat Information	X				
30	Aimjunkies.com Subscription Information page for Destiny 2 VIP Access cheat. Payment page.	X				
31	Screenshot from AJ website support forum thread	X				
32	Screenshot of Virtual Advantage website	X				
33	Screenshot of archive.today historical web page re AJ website	X				
34	Screenshot of AJ website		X			Relevance
35	AimJunkies web page captured on December 20, 2022		X			Relevance
36	2019-10-12 User report			X		
37	Weekly Game Security Reports			X		
38	November 2019 - January 2020 emails from AimJunkies.com to Schaefer	X				

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39	J. May login notifications		X			Relevance
40	PayPal receipt for purchase of cheat	X				
41	2020-10-14 Emails			X		
42	2020-11-04 Letter from M. Humphrey to J. Conway (Schaefer DX 43)	X				
43	2020-11-09 MSK Email to J. Green with letter attached	X				
44	2020-11-09 Email from MSK to Schaefer with letter attached	X				
45	AimJunkies Twitter		X			Relevance
46	Screenshot of 2020-11-11 Tweet by AimJunkies account		X			Relevance
47	2020-11-20 LTR Conway to Humphrey	X				
48	2021-06-29 Letter from K. Martin (prior counsel) to H. Simpkins	X				
49	2021-08-26 Email sent by D. Schaefer to Bungie's CEO, Pete Parsons	X				
50	2022-01-31 Press Release "Sony Interactive Entertainment to Acquire Leading Independent Videogame Developer, Bungie" https://www.sie.com/en/corporate/release/2022/220201.html (captured on June 9, 2022)		X			Relevance
51	Website Asset Purchase Agreement.	X				

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Exhibit No.	Description	Admissibility Stipulated	Authenticity Stipulated / Admissibility Disputed	Authenticity Disputed	Admitted	Objection Basis / Notes
52	"Press release" from PDG / Blome	X				
53	[removed]					
54	Banned player spreadsheet			X		Relevance, Prejudice
55	Banned player appeal spreadsheet			X		Relevance, Prejudice
56	James May ban history	X				
57	Spreadsheet: 2022 09 15 Bungie - In Game Cheater Reports Oct 2019 through Feb 2021.csv	X				
58	Stripe sales records produced by Defendants in first document production. October 2020 through January 2021	X				
59	Stripe Spreadsheet	X				
60	2022-01-10 Declaration of David Schaefer in Support of Defendants' Motion to Dismiss and/or Refer to Mandatory Arbitration (Dkt 28-5, 28-6)	X				
61	2023-04-10 Declaration of David Schaefer in Opposition to Plaintiff's Motion for Sanctions and to Compel Discovery (Dkt 107-4)	X				
62	2023-08-07 Declaration of James May in Opposition to Plaintiff's Motion for Summary Judgment (Dkt 175)	X				

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Exhibit No.	Description	Admissibility Stipulated	Authenticity Stipulated / Admissibility Disputed	Authenticity Disputed	Admitted	Objection Basis / Notes
63	2022-09-02 Defendant Phoenix Digital Group LLC's Responses to Plaintiff's First Set of Interrogatories Nos. 2, 6, 7	X				
64	2023-03-03 Defendant James May's Responses to Plaintiff's Second Set of Interrogatories Nos. 6-8	X				
65	[removed]					
66	Expert CV of Steven Guris	X				
67	Screenshot filename: aimjunkies-install-instructions-1.png			X		
68	Screenshot filename: aimjunkies-install-instructions-2.png			X		
69	Screenshot filename: destiny2-ads-1.png			X		
70	Screenshot filename: destiny2-ads-2.png			X		
71	Screenshot filename: virustotal-aimjunkies-loader-archive.png			X		
72	Screenshot filename: virustotal-aimjunkies-loader-executable.png			X		
73	Virustotal screenshot			X		
74	Expert CV of Drew Voth	X				
75	Bungie GST guidelines			X		Relevance

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76	Data Ingestion Pipeline			X		Relevance
77	2020-10-14 Email Re: Bungie + CheckPoint/NovaCoast sync			X		
78	2021-01-06 Email Re: Bungie + CheckPoint/NovaCoast sync (with attachment)			X		

DEFENDANTS' REVISED TRIAL EXHIBIT LIST - NOVEMBER 29, 2023

Exhibit No.	Description	Admissibility Stipulated	Authenticity Stipulated / Admissibility Disputed	Authenticity Disputed	Admitted	Objection Basis / Notes
100	Expert Report – Brad LaPorte		X			Hearsay (801). Prejudicial (403). Relevance (401).
101	Brad LaPorte Resume	X				
102	Brad LaPorte Publications			X		Hearsay (801). Relevance (401). Authenticity.
103	Amended Answer and Counterclaim (DKT#72)		X			Hearsay (801). Prejudicial/confusing (403). Relevance (401).
104	BUNGIE_WDWA_0000409.XLSX	X				
105	Bungie Privacy Policy (DKT#66-1)	X				
106	Bungie LSLA (Dkt#34-1)	X				
107	BUNGIE_WDWA_0000367	X				
108	BUNGIE_WDWA_0000479		X			Hearsay (801). Relevance (401). Lack of Foundation (602)
109	BUNGIE_WDWA_0000481	X				
110	BUNGIE_WDWA_0000482	X				
111	BUNGIE_WDWA_0000516-7		X			Relevance (401).
112	BUNGIE_WDWA_0000539	X				
113	BUNGIE_WDWA_0000540	X				

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114	BUNGIE_WDWA_0000541	X				
115	BUNGIE_WDWA_0000368 (AEO)	X				
116	BUNGIE_WDWA_0000410 (AEO)	X				
117	BUNGIE_WDWA_0000412 (AEO)	X				
118	BUNGIE_WDWA_0000416 (AEO)	X				
119	BUNGIE_WDWA_0000417 (AEO)	X				
120	BUNGIE_WDWA_0000419 (AEO)	X				
121	BUNGIE_WDWA_0000420 (AEO)	X				
122	BUNGIE_WDWA_0000421 (AEO)	X				
123	BUNGIE_WDWA_0000463 (AEO)	X				
124	Mann Declaration Exhibit A (DKT#191-1)	X				
125	Mann Declaration Exhibit B (DKT#191-2)	X				
126	Mann Declaration Exhibit C (DKT#191-3)	X				
127	Mann Declaration Exhibit D (DKT#191-4)	X				
128	Kaiser Declaration (DKT#36)	X				
129	Kaiser Declaration (DKT#66)	X				

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130	BUNGIE_JAMS_0001026	X				
131	BUNGIE_JAMS_0001059	X				
132	BUNGIE_JAMS_0001061-2	X				
133	BUNGIE_JAMS_0001153	X				
134	BUNGIE_JAMS_0001383	X				
135	BUNGIE_JAMS_0000720	X				